DELANO & DELANO

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March 1, 2016

VIA CERTIFIED MAIL

SOS Metals San Diego, LLC
Attention: Daniel Farias
635 Anita St.,
Chula Vista, CA 91911

SOS Metals, Inc.
4650 SW Macadam Ave, Ste 300
Portland, OR 97239

VIA U.S MAIL

National Registered Agents, Inc.
Registered Agent for SOS Metals Inc.
818 W. Seventh St., Ste 930,
Los Angeles, CA 90017

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of San Diego Coastkeeper ("Coastkeeper") in regard to violations of the Clean Water Act[1] and the National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12- DWQ, as amended by Order No. 97-03-DWQ ("1997 Permit") and Order No. 2014-0057-DWQ ("2015 Permit") (collectively referred to as "Industrial Storm Water Permit" or "Storm Water Permit")[2] occurring at SOS Metals San Diego, LLC located at 635 Anita Street, Chula Vista, California 91911 ("SOS Metals Facility" or "Facility"). This letter is being sent to you as the responsible owner and/or operator of the SOS Metals Facility, or as the registered agent for this entity. This letter puts SOS Metals, Inc. (hereinafter referred to as the "SOS Metals Facility Owner and/or Operator") on notice of the violations of the Storm Water Permit occurring at the SOS Metals Facility including, but not limited to, discharges of polluted storm water

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

[2] On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which took effect on July 1, 2015. Water Quality Order No. 2014-57-DWQ superseded and rescinded the 1997 Industrial Stormwater Permit except for purposes of enforcement actions.

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from the SOS Metals Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the SOS Metals Facility Owner and/or Operator is liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that a citizen give notice of his/her intention to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a). Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the state in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

By this letter issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, (hereinafter "Notice Letter"), Coastkeeper puts the SOS Metals Facility Owner and/or Operator on notice that after the expiration of sixty (60) days from the date of this Notice Letter, Coastkeeper intends to file an enforcement action in Federal court against it for violations of the Storm Water Permit and the Clean Water Act.

During the 60-day notice period, Coastkeeper is willing to discuss effective remedies for the violations noticed in this letter. We suggest that SOS Metals contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends.

I. BACKGROUND

A. San Diego Coastkeeper

San Diego Coastkeeper's office is located at 2825 Dewey Road, Suite 200 in San Diego, California 92106. Coastkeeper is a public-benefit nonprofit organization committed to protecting and restoring the San Diego region's water quality and supply. A member of the international Waterkeeper Alliance, Coastkeeper's main purpose is to preserve, enhance, and protect the San Diego's fresh water streams, creeks and reservoirs, marine sanctuaries, coastal estuaries, wetlands and bays from illegal dumping, hazardous spills, toxic discharges and habitat degradation. Coastkeeper implements this mission through outreach and education programs that work to prevent water pollution, as well as community activism, participation in governmental hearings, and prosecuting litigation to ensure that San Diego's beaches, bays, coastal waters and tributary streams and rivers meet all substantive water quality standards guaranteed by Federal, State and local statutes and regulations.

Members of Coastkeeper use and enjoy the waters into which pollutants from the SOS Metals Facility's ongoing illegal activities are discharged, including San Diego Bay. The public and members of Coastkeeper use these receiving waters to fish, sail, boat, kayak, surf, stand-up paddle, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. Procedural and substantive violations of the Stormwater Permit including, but not limited to, the discharge of pollutants from the SOS Metals Facility impair each of these uses. Further, these violations are significant, ongoing, and continuous. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by the SOS Metals Facility Owner's and/or Operator's failure to comply with the Storm Water Permit and the Clean Water Act.

B. <u>The Owner and/or Operator of the SOS Metals Facility</u>

Information available to Coastkeeper indicates that SOS Metals, Inc. is an owner and/or operator of the SOS Metals Facility. SOS Metals, Inc. is an active corporation registered in California. Information available to Coastkeeper indicates the registered agent for SOS Metals, Inc. is National Registered Agents, Inc., located at 818 W. Seventh St., Ste. 930, Los Angeles, CA 90017.

Information available to Coastkeeper indicates that the SOS Metals Facility is comprised of Assessor's Parcel Number ("APN"): 622-111-57-00. Information available to Coastkeeper indicates APN 622-111-57-00 is owned by SOS Metals San Diego, LLC. The SMARTS database, the 2015 SWPPP, and the 2014-2015 Annual Report list Daniel Farias as Facility Operator. Coastkeeper refers to SOS Metals San Diego LLC, SOS Metals, Inc., and Daniel Farias collectively as the SOS Metals Facility "Owner and/or Operator."

The SOS Metals Facility Owner and/or Operator has violated and continues to violate the procedural and substantive terms of the Storm Water Permit including, but not limited to, by illegally discharging pollutants from the SOS Metals Facility into local surface waters. As explained herein, the SOS Metals Facility Owner and/or Operator is liable for violations of the Stormwater Permit and the Clean Water Act.

C. <u>The SOS Metals Facility's Storm Water Permit Coverage</u>

Prior to beginning industrial operations, dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI") to the State Water Resources Control Board ("State Board") or obtain and comply with an individual NPDES permit. *See* 1997 Permit, p. II; 2015 Permit, Section I(A) (Findings 8, 12) and Section II.B.1. The SOS Metals Facility Owner and/or Operator submitted an NOI for the SOS Metals Facility in 1997 ("1997 NOI") for coverage under the 1997 permit. The SOS Metals Facility Owner and/or Operator submitted an NOI for the SOS Metals Facility in June 2015 ("2015 NOI") for coverage

under the 2015 Permit. In both instances the State Board assigned Waste Discharge Identification ("WDID") number 9 37I013266 for the SOS Metals Facility. The SOS Metals Facility Owner and/or Operator lists the Standard Industrial Classification ("SIC") code for the SOS Metals Facility as 5093 (Scrap and Waste Materials). SIC 5093 is an industrial category listed in the Stormwater Permit. *See* 1997 Permit, Attachment 1; 2015 Permit, Attachment A.

D. Storm Water Pollution and the Waters Receiving the SOS Metals Facility's Discharges

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations such as the SOS Metals Facility pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and adversely impact aquatic-dependent wildlife. These contaminated discharges can and must be controlled for downstream ecosystems to regain their health.

Storm water discharges from scrap metal recycling facilities, like the SOS Metals Facility, contain pollutants such as oil and grease ("O&G"), total suspended solids ("TSS"), and heavy metals (such as copper, iron, lead, aluminum, and zinc). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. Discharges of polluted storm water to San Diego Bay and its tributaries pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The San Diego Bay and its tributaries are receiving waters for discharges from the SOS Metals Facility. The San Diego Bay and the nearby San Diego Bay National Wildlife Refuge are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, San Diego Bay and its tributaries still provide essential habitat for dozens of fish, bird, and invertebrate species. These pollutants harm the special aesthetic and recreational significance that the San Diego Bay has for people in the surrounding communities, including Coastkeeper's members. The public's use of the San Diego Bay and its tributaries for water contact sports exposes people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the San Diego Bay and its tributaries.

The California Regional Water Quality Control Board, San Diego Region, ("Regional Board") issued the *Water Quality Control Plan for the San Diego Basin* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for the San Diego Bay near the point at which it receives

polluted storm water discharges from the SOS Metals Facility (i.e., San Diego Bay) include: Preservation of Biological Habitats of Special Significance; Water Contact Recreation; Non-contact Water Recreation; Wildlife Habitat; Commercial and Sport Fishing; Estuarine Habitat; Marine Habitat; Migration of Aquatic Organisms; Spawning, Reproduction, and/or Early Development; Shellfish Harvesting; and Rare, Threatened, or Endangered Species. *See* Basin Plan at Table 2-3. The San Diego Bay is on the 303(d) list as impaired for numerous constituents, including sediment toxicity, copper, zinc, mercury, benthic community effects, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and bacteria. Polluted discharges from industrial sites such as the SOS Metals Facility contribute to the degradation of these already impaired surface waters and of the ecosystems that depend on these waters.

II. THE SOS METALS FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The SOS Metals Facility Site Description and Industrial Activities

Information available to Coastkeeper indicates that the SOS Metals Facility is at least 4.9 acres and 90% impervious. The Facility property is bordered by Anita Street to the north, residences and industrial and commercial businesses to the east, and industrial and commercial businesses to the west and south. The points of egress/ingress to the Facility number in one (1) total, including one (1) driveway leading to Anita Street.

Information available to Coastkeeper indicates the facility is comprised of a two-story warehouse and office structure. The warehouse is approximately 8,000 square feet, and the office space comprises approximately 2,000 square feet. The remaining portion (approximately 193,000 sq. ft.) of the property consists of metal sorting and storage areas, as well as maintenance and fabrication areas. Those portions of the site not covered by the building are generally impervious (paved concrete or asphalt), consisting of paved parking areas, vehicle access ways and storage areas. The main function of the facility is to receive, process, sort, and store scrap metal. Metal scraps arrive by vehicles entering the ingress/egress driveway on Anita Street, are sorted according to metal content, processed, and are stored both indoors and outdoors until transferred to other processing and/or recycling facilities. The facility also has areas for bin washing, cable processing, equipment maintenance, baling, and equipment storage.

B. The SOS Metals Facility Industrial Activities and Associated Pollutants

According to information available to Coastkeeper scrap metals and other materials are received, processed, sorted, stored, and shipped at the SOS Metals Facility. The industrial activities and areas at the SOS Metals Facility are pollutant sources and include, but are not limited to: processing scrap metals and other materials for storage and/or shipment; shipping, receiving, and moving products around the Facility; scrap metal loading and unloading area, scrap metal processing area; ferrous scrap processing

area; scrap metal storage area; baler area; shearing areas; fabrication areas; cable areas; hazardous waste storage areas; non-ferrous scrap storage areas; equipment parking and fueling area; vehicle maintenance, cleaning, and storage; unloading raw materials; and unprocessed material storage and scrap storage areas. The egress/ingress driveway on Anita Street serve as in-and-out points for drive through recycling services for vehicles picking up and dropping off bins containing recycled and scrap materials. Among the activities that take place at SOS Metals Facility are: drop off and pick up recycled materials and other scrap metal materials; transfer of scrap and recycled materials; sorting of recycled materials; processing of recycled metal and other materials; storage of recycled materials indoors and outdoors in open and closed air bins; vehicle traffic and delivery or hauling of bins filled with scrap or recycled materials; maintenance, fueling, and washing of vehicles, machinery, and equipment; fabrication, welding, and painting of metal containers; and hazardous waste storage.

The pollutants associated with the Facility include, but are not limited to: oil & grease; heavy metals, including, but not limited to, iron, lead, aluminum, copper, and zinc; TSS; trash and debris; gas, diesel, fuel, and fuel additives; fugitive and other dust and dirt; plastics products; cleansers, lubricants, and adhesives; paint; petroleum products; hazardous wastes, and pH-affecting substances.

Information available to Coastkeeper indicates that SOS Metals Facility has not developed and/or implemented the required best management practices ("BMPs") to address pollutant sources and contaminated discharges. BMPs are necessary at the Facility to prevent the exposure of pollutants to precipitation and the subsequent discharge of polluted storm water from the Facility during rain events. Consequently, during rain events storm water carries pollutants from the Facility's stockpile or material handling and storage area(s), truck parking area(s), shipping and receiving area(s), fueling and maintenance area(s), bailing area(s), processing area(s), fabrication area(s), materials sorting area(s), hazardous waste storage area(s) and other areas into the storm sewer system, which flows into the Receiving Waters, in violation of the Storm Water Permit.

Information available to Coastkeeper indicates that the pollutants associated with the Facility have been and continue to be tracked throughout the SOS Metals Facility, where they accumulate at the storm water discharge points and the driveway leading to and from the Facility. This results in trucks and vehicles tracking sediment, dirt, oil, grease, metal particles, and other pollutants off-site. The resulting illegal discharges of polluted water impacts Coastkeeper's members' use and enjoyment of the San Diego Bay and its tributaries by degrading the water quality of the San Diego Bay and by posing risks to human health and aquatic life in violation of the Storm Water Permit.

C. SOS Metals Facility Storm Water Flows and Discharge Locations

The SOS Metals Facility Owner and/or Operator reports that there is one (1) discharge point located at the Facility, which they identify as "Facility Outfall" or "Main Drain" in their Annual Reports, and "Storm Drain" on their Site Map. . Information available to Coastkeeper indicates there are at least one (1) additional discharge point at the SOS Metals Facility near the northwest corner of the fenced in portion of the Facility. Discharges from each of the two (2) discharge points at the Facility flow to the municipal separate storm sewer system, which flows to the San Diego Bay.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE STORM WATER PERMIT

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* 1997 Permit Fact Sheet at VII and 2015 Permit Section I.A.8.

On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ ("2015 Permit"), which took effect on July 1, 2015. Water Quality Order No. 2014-57-DWQ supersedes Order 97-03 DWQ (the 1997 Industrial Stormwater Permit, or "1997 Permit") except for purposes of enforcement actions. The 2015 Permit includes the same fundamental terms as the 1997 Permit. For purposes of this Notice letter, Coastkeeper refers to the current amended permit collectively as the "Industrial Stormwater Permit" or "Storm Water Permit", except where noted.

A. Discharges of Polluted Storm Water from the SOS Metals Facility in Violation of Effluent Limitations of the Storm Water Permit

Effluent Limitations[3] of the Industrial Storm Water Permit require dischargers to reduce or prevent pollutants in their storm water discharges through implementation of best management practices ("BMPs") that achieve best available technology economically achievable ("BAT") for toxic pollutants[4] and best conventional pollutant control technology ("BCT") for conventional pollutants.[5] Effluent Limitations are found in Section B(3) of the 1997 Permit and Section V.A. of the 2015 Permit. EPA Benchmark Levels are relevant and objective guidelines to evaluate whether a permittee's

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[3] *See* Section B.(3). for Effluent Limitations in the 1997 Permit, and Section V.A. for Effluent Limitations in the 2015 Permit.

[4] BAT is defined at 40 CFR § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

[5] BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.

BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitations of the Stormwater Permit.[6]

Storm water sampling at the SOS Metals Facility demonstrates that the Facility's storm water discharges contain concentrations of pollutants above the Benchmark Levels. *See* Exhibit A (table listing the Facility's storm water samples exceeding Benchmark Level(s), as reported to the Regional Board by the SOS Metals Facility Owner and/or Operator). For example, the saltwater EPA Benchmark for copper is 0.0048 mg/L. A storm water sample collected from the Facility in December 2014 exceeded the EPA Benchmark by two thousand four hundred and sixteen times (2,416). The same sample collected in December 2014 exceeded the EPA Benchmark for zinc (0.09 mg/L) by twenty seven (27) times, and exceeded the EPA Benchmark for aluminum (0.75 mg/L) by eighteen (18) times. The repeated and significant exceedances of Benchmark Levels demonstrate that the SOS Metals Facility Owner and/or Operator has failed and continues to fail to develop and/or implement required BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Information available to Coastkeeper indicates that the SOS Metals Facility has discharged and continues to discharge stormwater from the Facility containing levels of pollutants that do not achieve compliance with the BAT/BCT requirements during every significant rain event occurring from March 1, 2011 through the present. *See e.g.*, Exhibit B (setting forth dates of rain events resulting in a discharge at the Facility).[7] Further, given that the SOS Metals' discharge violations are ongoing, Coastkeeper puts the SOS Metals Owner and/or Operator on notice that Effluent Limitation V.A. of the 2015 Permit is violated each time storm water is discharged from the SOS Metals Facility after July 1, 2015. These discharge violations are ongoing and will continue each day the SOS Metals Facility Owner and/or Operator discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. SOS Metals' failure to develop and/or implement BMPs adequate to achieve the pollutant discharge reductions attainable via BAT or BCT at the Facility is a violation of the Industrial Stormwater Permit and the CWA. *See* 1997 Permit, Order Part B(3); 2015 Permit Sections I(D) (Findings 32 and 33), X(H), V(A); 33 U.S.C. §1311(b).

Each day since at least March 1, 2011 that SOS Metals Facility has discharged stormwater containing pollutants in violation of the Industrial Stormwater Permit, specifically Effluent Limitation B(3) of the 1997 Permit and Sections I(D), V(A), and

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[6] *See* EPA Multi-Sector General Permit (2015), Fact Sheet, p. 52; *see also*, EPA Proposed Multi-Sector General Permit (2013), Fact Sheet, p. 50; EPA Multi-Sector General Permit (2008), Fact Sheet, p. 106; EPA Multi-Sector General Permit, 65 Federal Register 64839 (2000).

[7] Exhibit B sets forth dates of rain events as measured at the Lindbergh Field Station from January, through December 2015. At a minimum discharges occur at the Facility during significant rain events, which are defined by EPA as a rainfall event generating 0.1 inches or more of rainfall (the amount that generally results in measurable discharges at a typical industrial facility).

X(H) of the 2015 Permit, is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a). Since SOS Metals' discharge violations are ongoing, SOS Metals Facility's CWA violations described above will continue in the future as violations of Sections I(D), V(A), and X(H) of the 2015 Permit, until SOS Metals Facility Owner and/or Operator develops and implements BMPs at the Facility adequate to achieve pollutant discharge reductions attainable via BAT and BCT.

The SOS Metals Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 1, 2011.[8]

B. Discharges of Polluted Storm Water from the SOS Metals Facility in Violation of Discharge Prohibitions and Receiving Water Limitations of the Storm Water Permit

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* 1997 Permit, Order Part A.2. and 2015 Permit Section III(C)-(D). The Receiving Water Limitations[9] of the Stormwater Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitations can be found in Sections C(1) and C(2) of the 1997 Permit and Section VI(A)-(C) of the 2015 Permit. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitations of the Stormwater Permit and the Clean Water Act. Furthermore, Receiving Water Limitations of the Stormwater Permit prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard ("WQS").[10] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitations of the Stormwater Permit and the Clean Water Act.

As explained above in Section I.D, the current 303(d) List of Impaired Water Bodies lists the San Diego Bay as impaired for multiple pollutants. Information available to Coastkeeper indicates that the SOS Metals Facility's storm water discharges contain elevated concentrations of pollutants, such as copper, lead, aluminum, iron and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic

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[8] Sections 309(d) and 505 of the CWA, 33 U.S.C. §§1319(d) and 1365.

[9] Receiving Water Limitations can be found in Sections C(1) and C(2) of the 1997 Permit and Section VI(A)-(C) of the 2015 Permit.

[10] As explained above in Section I.D, the Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to the impairment of the Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and the water quality objectives in the Region 9 San Diego Basin Plan. *Available at*: http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/

wildlife in the San Diego Bay. *See e.g.,* Exhibit A (table listing the Facility's storm water samples containing pollutants at elevated levels). Discharges of elevated concentrations of pollutants in the storm water from the SOS Metals Facility also adversely impact human health. These harmful discharges from the SOS Metals Facility are violations of Receiving Water Limitations C(1) of the 1997 Permit, VI.B. of the 2015 Permit, and the Clean Water Act.

The SOS Metals Facility storm water discharges also contain concentrations of pollutants that cause or contribute to violations of applicable WQSs. *See* Exhibit A (table listing the Facility's storm water samples exceeding applicable WQSs, as reported to the Regional Board by the SOS Metals Facility Owner and/or Operator). Storm water discharges from the SOS Metals Facility that cause or contribute to exceedances of WQSs are violations of Receiving Water Limitation C(2) of the 1997 Permit, VI.A. of the 2015 Permit, and the Clean Water Act.

Storm water sampling at the SOS Metals Facility demonstrates that discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS. For example, the California Toxics Rule ("CTR") water quality standard for copper is 0.0048 mg/L, and one of the copper samples of the storm water discharged from the Facility on December 12, 2014 measured 11.6 mg/L, over twenty four hundred times the maximum copper WQS. These exceedances of WQS demonstrate that SOS Metals has violated and continues to violate Receiving Water Limitation C(2) of the 1997 Permit, VI.A. of the 2015 Permit, and the Clean Water Act.

Coastkeeper puts SOS Metals Facility Owner and/or Operator on notice that Discharge Prohibition A.2. and Receiving Water Limitations C(1) and/or (2) of the 1997 Permit, and Discharge Prohibitions III.(C) and III.(D) and Receiving Water Limitations VI.A. and VI.B. of the 2015 Permit, are violated each time polluted storm water discharges from the SOS Metals Facility. *See,* e.g., Exhibit B. These discharge violations are ongoing and will continue every time contaminated storm water is discharged in violation of the Storm Water Permit. Further, given that the receiving water limitations violations are ongoing, Coastkeeper also puts the SOS Metals Owner and/or Operator on notice that Discharge Prohibitions III.(C) and III.(D) and Receiving Water Limitations VI.A. and VI.B. of the 2015 Permit are violated each time storm water is discharged from the SOS Metals Facility after July 1, 2015. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the 1997 Permit, Receiving Water Limitation VI.A. of the 2015 Permit VI.A, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). Each time discharges from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the 1997 Permit, Receiving Water Limitation VI.B. of the 2015 Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). SOS Metals Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 1, 2011.

C. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan (SWPPP)

The Stormwater Permit requires dischargers to develop and implement a SWPPP prior to beginning industrial activities that meets all of the requirements of the Storm Water Permit. *See* 1997 Permit Section A(1)(a) and Order Part E(2); 2015 Permit Sections I(I) (Finding 54), X(B). The SWPPP must identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of stormwater and authorized non-stormwater discharges from the SOS Metals Facility. *See* 1997 Permit Section A(2); 2015 Permit, Section X(G). The objective of the SWPPP is to identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in stormwater and authorized non-stormwater discharges. *See* 1997 Permit Section A(2); 2015 Permit Section X(H). These BMPs must achieve compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations and Receiving Water Limitations. *See* 1997 Permit Order Part B(3); 2015 Permit Sections I(D) (Finding 32), V.A. The SWPPP and site maps must be assessed annually and revised as necessary to ensure compliance with the Stormwater Permit. *See* 1997 Permit Sections A(1), A(9)-(10), B(3)-(4); 2015 Permit, Sections I(J) (Finding 55), X(B)(1).

The SWPPP must include: a narrative description and summary of all industrial activity, potential sources of pollutants, and potential pollutants; a site map indicating facility boundaries, the stormwater conveyance system, associated points of discharge, direction of flow, areas of actual and potential pollutant contact, including the extent of pollution-generating activities, nearby water bodies, and pollutant control measures; a description of stormwater management practices; areas of industrial activity; a description of the BMPs to be implemented to reduce or prevent pollutants in stormwater discharges and authorized non-stormwater discharges; the identification and elimination of non-stormwater discharges; the location where significant materials are being shipped, stored, received, and handled, as well as the typical quantities of such materials and the frequency with which they are handled; a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may occur; a description of individuals and their current responsibilities for developing and implementing the SWPPP; an assessment of potential pollutant sources at the facility; a comprehensive site compliance evaluation completed each reporting year; and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Storm Water Permit. *See* 1997 Permit, Sections A(1)-(10); 2015 Permit, Section X.

The SOS Metals Facility Owner and/or Operator has been conducting operations at the Facility with an inadequately developed and/or implemented SWPPP. For instance, the 2015 SOS SWPPP explains that SOS will collect storm water samples at discharge locations, but then goes on to state that sampling will occur at "Discharge Point

1" for a facility located on Gardena Boulevard instead of the SOS Metals Facility (which instead has discharge points on the north west and south-central portions of the site).[11] Further, while the 2015 SOS SWPPP includes information on assessment of potential pollutant sources, the SWPPP fails to identify any areas of the facility where the minimum BMPs described in the 2015 permit will not adequately reduce or prevent pollutants in storm water discharges, nor does the SWPPP identify any advanced BMPs for those areas, in violation of Section X.G.2.b. of the 2015 Permit.

The SOS Metals Facility Owners and/or Operators have also failed and continue to fail to develop and/or implement a SWPPP that contains BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Facility, as required by the Storm Water Permit. The SWPPP inadequacies are documented by the continuous and ongoing discharge of storm water containing pollutant levels that exceed EPA Benchmarks and applicable WQS. *See, e.g.,* Exhibit A. SOS Metals Facility's Owner and/or Operator has failed and continues to fail to adequately develop or implement a SWPPP at the Facility that prevents discharges from violating the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit.

The SOS Metals Facility Owner and/or Operator has also failed to revise the Facility's SWPPP to ensure compliance with the Storm Water Permit. Despite the significant concentrations of pollutants in the Facility's storm water discharges each year since at least the 2010-2011 wet season, information available to Coastkeeper indicates that the SWPPP was not revised to include additional BMPs to eliminate or reduce these pollutants, as required by the Storm Water Permit. Furthermore, despite the continuous on ongoing discharges of storm water containing pollutant levels that exceed EPA Benchmarks and applicable WQS, the 2015 SWPPP indicates that, "no BMPs were identified that remain to be implemented at the facility, and no BMPs were implemented in lieu of any minimum or advanced BMPs".[12]

Information available to Coastkeeper indicates that the SOS Metals Facility Owner and/or Operator has failed to adequately develop, implement, and/or revise a SWPPP, in violation of Section A and Provision E(2) of the 1997 Permit and Section X. of the 2015 Permit. Every day the SOS Metals Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The SOS Metals Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least March 1, 2011. These violations are

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[11] See 2015 SOS SWPPP, page 18, Section 5.3. The SWPPP states that "Drainage Point 1: All storm water associated with SOS' industrial activities of the site flows to a storm water interceptor next to the driveway on Gardena Boulevard. The facility will collect a storm water sample of the flow from the last chamber before it discharges into the outfall along Gardena Boulevard."

[12] See 2015 SOS SWPPP, page 17.

ongoing. The SOS Metals Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 1, 2011.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program ("MRP")

The 1997 Permit required facility operators to develop and implement an adequate Monitoring and Reporting Program ("MRP") prior to the commencement of industrial activities at a facility. 1997 Permit Section B(1)-(2) and Order Part E(3). The primary objective of the MRP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* 1997 Permit, Section B(2). The MRP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and must be evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.* Sections B(3)-(16) of the 1997 Permit and Sections I(J) (Findings 55-56) and XI of the 2015 Permit set forth the MRP requirements.

Pursuant to the monitoring and reporting requirements of the Industrial Stormwater Permit, facility operators must conduct ongoing visual observations of stormwater and non-stormwater discharges and record responsive measures taken to eliminate unauthorized non-stormwater discharges and to reduce or prevent pollutants in stormwater and authorized non-stormwater discharges. 1997 Permit Sections B(3)-(4); 2015 Permit Section XI(A). Facility operators must collect samples of stormwater discharges from all locations where stormwater may be discharged from the facility. 1997 Permit Sections B(5), B(7); 2015 Permit, Section XI(B)(4)-(5). Through the 2014-2015 reporting period, facility operators were required to analyze stormwater samples for pH, total suspended solids, total organic carbon (or oil and grease as a substitute), specific conductance, toxic chemicals, and other pollutants which are likely to be present in significant quantities in stormwater discharging from the facility. 1997 Permit, Section B(5). Dischargers must revise the SWPPP in response to these observations to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. 1997 Permit Sections B(3)-(4); 2015 Permit Section XI.A.4.

Furthermore, pursuant to the monitoring and reporting requirements of the Industrial Stormwater Permit, facility operators must conduct visual observations and collect samples of storm water from all locations where storm water is discharged. 1997 Permit Sections B(5) and B(7); 2015 Permit Section XI.A.2., XI.B. Through the 2014-2015 reporting period, facility owners and/or operators were required to collect at least two (2) samples from each discharge location at their facility during the Wet Season and analyze each sample for TSS, pH, SC, TOC or O&G, and other pollutants that are likely to be present in the facility's discharges in significant quantities. 1997 Permit Section B.5. The 1997 Permit requires facilities classified as SIC code 5093, such as the

SOS Metals Facility, to also analyze storm water samples for iron, lead, aluminum, copper, zinc, and COD. *Id.*; *see also* Storm Water Permit, Table D (Sector N).

The 1997 Permit allows for the reduction of sampling locations in very limited circumstances when "industrial activities and BMPs within two or more drainage areas are substantially identical." Section B(7)(d). If a discharger seeks to reduce sampling locations, the "[f]acility operators must document such a determination in the annual report." *Id.*

The SOS Metals Facility Owner and/or Operator failed to collect and analyze storm water samples as required by the 1997 Permit. The 1997 Permit requires permittees to collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event in the wet seasons. 1997 Permit, Section B(5)(a). The SOS Facility Owner and/or Operator consistently failed to collect the required storm water samples in violation of the 1997 Permit's MRP requirements. For example, the SOS Metals Facility Owner and/or Operator failed to sample for COD during any year other than the 2014-2015 Wet Season, and failed to sample for lead in the 2014-2015 Wet Season. Further, SOS Facility Owner and/or Operator failed in every year to sample discharges at the northwest corner of the fenced in area of the Facility. In addition, during both the 2013-2014, and 2014-2015 Wet Seasons only one storm water sample was collected, rather than the two storm water samples required by Section B(5) of the 1997 Permit, despite qualifying rain events[13].

The SOS Metals Facility Owner and/or Operator also failed to collect and analyze storm water samples as required by the 2015 Permit. The 2015 Permit requires facility owners and/or operators to collect and analyze storm water samples from two (2) qualifying storm events (QSE)[14] within the first half of each reporting year (July 1 to December 31) and two (2) QSE within the second half of the reporting year (January 1 to June 30). Section XI.B.2. All sampling and analytical results for all samples must be submitted via SMARTS within 30 days of obtaining all results, and self-reporting must be done in electronic format. Section XI.B.11.; Finding I.J.56; Fact Sheet Section I.D.3. The 2015 Permit allows for the reduction of sampling occurrences only in limited circumstances, such as when a facility owner and/or operator is a Compliance Group Participant. Section XI.B.3. The SOS Facility Owner and/or Operator failed to collect and report the required storm water samples in violation of the 2015 Permit's MRP requirements. For example, the SOS Metals Facility Owner and/or Operator failed to sample two (2) QSEs during the first half of the reporting year despite qualifying rain

[13] See Exhibit B, which sets forth dates of rain events as measured at the Lindbergh Field Station from January, 2010 through December, 2015. At a minimum discharges occur at the Facility during significant rain events, which are defined by EPA as a rainfall event generating 0.1 inches or more of rainfall (the amount that generally results in measurable discharges at a typical industrial facility).

[14] A QSE is defined as "a precipitation event that: a. produces a discharges for at least one drainage area; and, b. is preceded by 48 hours with no discharge from any drainage area. 2015 Permit, Section XI.B.1.

events[15], and reporting of the single QSE sampling event was not submitted electronically via SMARTS.

Pursuant to the monitoring implementation plan requirements of the 2015 Permit, facility operators must prepare a Monitoring Implementation Plan (MIP) that must include an identification of team members assigned to conduct the monitoring requirements; a description of discharge locations, visual observation procedures, and visual observation response procedures related to monthly visual observations and sampling event visual observations; justifications for alternative discharge locations, representative sampling reductions, and/or qualified combined samples; and an example Chain of Custody form used when handling and shipping water quality samples to the lab. 2015 Permit Section I. The SOS Metals Facility has failed to develop and include a sufficient monitoring and implementation plan. For instance, the 2015 SOS SWPPP explains that SOS will collect storm water samples the discharge location, but then goes on to state that sampling will occur at "Discharge Point 1" for a facility located on Gardena Boulevard instead of the Anita Avenue site.[16]

The SOS Metals Facility Owner's and/or Operator's failure to conduct sampling and monitoring as required by the Stormwater Permit demonstrates that it has failed to develop, implement, and/or revise an MRP that complies with the requirements of Section B and Provision E(3) of the 1997 Permit. Every day that the SOS Metals Facility Owner and/or Operator conducts operations in violation of the specific monitoring requirements of the Storm Water Permit, or with an inadequately developed and/or implemented MRP, is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The SOS Metals Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's MRP requirements every day since at least DATE X, 2010. These violations are ongoing, and Coastkeeper will include additional violations when information becomes available, including specifically violations of the 2015 Permit monitoring requirements. See 2015 Permit, Section XI. And X.I. The SOS Metals Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 1, 2011.

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[15] See Exhibit B, which sets forth dates of rain events as measured at the Lindbergh Field Station from January, 2010 through December, 2015. At a minimum discharges occur at the Facility during significant rain events, which are defined by EPA as a rainfall event generating 0.1 inches or more of rainfall (the amount that generally results in measurable discharges at a typical industrial facility).

[16] See 2015 SOS SWPPP, page 18, Section 5.3. The SWPPP states that "Drainage Point 1: All storm water associated with SOS' industrial activities of the site flows to a storm water interceptor next to the driveway on Gardena Boulevard. The facility will collect a storm water sample of the flow from the last chamber before it discharges into the outfall along Gardena Boulevard."

E. Failure to Comply with the Storm Water Permit's Reporting Requirements

The 1997 Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14). The 1997 Permit requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13).

The SOS Metals Facility Owner and/or Operator has failed and continues to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, in each Annual Report since the filing of the 2010-2011 Annual Report, the SOS Metals Facility Owner and/or Operator certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the 1997 Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the 1997 Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper indicates that these certifications are erroneous. For example, although storm water samples collected from the Facility have consistently contained elevated concentrations of pollutants, demonstrating that BMPs must be revised, the Annual Report fails to address this, as required by the Stormwater Permit. Further, the 2011-2012 Annual Report Form 5 – ACSCE Potential Pollutants Source/Industrial Activity BMP Status is incomplete except for reference to "pine tree debris".

The SOS Metals Facility Owner and/or Operator has also submitted incomplete Annual Reports. For instance, the facility operator must report any noncompliance with the Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance, 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. 1997 Permit, Section C(11)(d). The SOS Metals Facility Owner and/or Operator did not report its non-compliance as required.

The 1997 Permit requires a permittee whose discharges violate the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. 1997 Permit, Receiving Water Limitations C(3) and C(4). Information available to Coastkeeper indicates that the SOS Metals Facility Owner and/or Operator has failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the 1997 Permit. As such, the SOS Metals Facility Owner and/or Operator is in daily violation of this requirement of the Storm Water Permit.

Information available to Coastkeeper indicates that the SOS Metals Facility Owner and/or Operator has submitted incomplete and/or incorrect Annual Reports that fail to comply with the Storm Water Permit. As such, the SOS Metals Facility Owner and/or Operator is in daily violation of the Storm Water Permit. Every day the SOS Metals Facility Owner and/or Operator conducts operations at the Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The SOS Metals Facility Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least March 1, 2011. These violations are ongoing. See 2015 Permit, Sections X.B.11 and XVI. The SOS Metals Facility Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since March 1, 2011.

F. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the CWA. See 33 U.S.C. §§ 1311(a), 1342. SOS Metals Owner and/or Operators have sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." 1997 Permit, Order Part A(1); *See also* 2015 Permit, Section III.A. Because SOS Metals Owner and/or Operators have not obtained coverage under a separate NPDES permit and have failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. RELIEF AND PENALTIES SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five (5) years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. CONCLUSION

Coastkeeper is willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the SOS Metals Owner and/or Operator's violations of the Storm Water Permit at the Facility. Please direct all communications to Coastkeeper's legal counsel:

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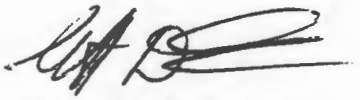
Sincerely,



Everett L. DeLano

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EXHIBIT A

Date of Sample Collection	Sample Location	Parameter	Result	Units	Benchmark*	Magnitude of Benchmark Exceedance	CA Toxics Rule Criteria (maximum)	Magnitude of CTR Exceedance
2011-2012 Report Data								
First Storm Sample								
11/4/2011	Main Drain	TOC	330	mg/L				
11/4/2011	Main Drain	COD	FAILED TO SAMPLE	mg/L	120			
11/4/2011	Main Drain	Specific Conductance	574	umhos/cm				
11/4/2011	Main Drain	O&G	44	mg/L	15	2.933333333		
11/4/2011	Main Drain	pH	6.94	s.u.				
11/4/2011	Main Drain	TSS	75	mg/L	100	0.75		
11/4/2011	Main Drain	Aluminum	1.47	mg/L	0.75	1.96		
11/4/2011	Main Drain	Copper	4.52	mg/L	0.0048	941.6666667	0.0048	941.6666667
11/4/2011	Main Drain	Iron	2.54	mg/L	1	2.54		
11/4/2011	Main Drain	Lead	0.108	mg/L	0.21	0.514285714	0.21	0.514285714
11/4/2011	Main Drain	Zinc	2.19	mg/L	0.09	24.33333333	0.09	24.33333333
Second Storm Sample								
12/12/2011	Main Drain	TOC	81	mg/L				
12/12/2011	Main Drain	COD	FAILED TO SAMPLE	mg/L	120			
12/12/2011	Main Drain	Specific Conductance	175	umhos/cm				
12/12/2011	Main Drain	O&G	42	mg/L	15	2.8		
12/12/2011	Main Drain	pH	7.04	s.u.				
12/12/2011	Main Drain	TSS	1010	mg/L	100	10.1		
12/12/2011	Main Drain	Aluminum	25	mg/L	0.75	33.33333333		
12/12/2011	Main Drain	Copper	32.1	mg/L	0.0048	6687.5	0.0048	6687.5
12/12/2011	Main Drain	Iron	37.4	mg/L	1	37.4		
12/12/2011	Main Drain	Lead	0.673	mg/L	0.21	3.204761905	0.21	3.204761905
12/12/2011	Main Drain	Zinc	4.3	mg/L	0.09	47.77777778	0.09	47.77777778
2012-2013 Report Data								
First storm sample								
12/17/2012	Facility Outfall	TOC	210	mg/L				
12/17/2012	Facility Outfall	COD	FAILED TO SAMPLE	mg/L	120			
12/17/2012	Facility Outfall	Specific Conductance	369	umhos/cm				
12/17/2012	Facility Outfall	pH	7.63	s.u.				
12/17/2012	Facility Outfall	TSS	134	mg/L	100	1.34		
12/17/2012	Facility Outfall	Aluminum	2.5	mg/L	0.75	3.333333333		
12/17/2012	Facility Outfall	Copper	3.09	mg/L	0.0048	643.75	0.0048	643.75
12/17/2012	Facility Outfall	Iron	4.19	mg/L	1	4.19		
12/17/2012	Facility Outfall	Lead	0.119	mg/L	0.21	0.566666667	0.21	0.566666667
12/17/2012	Facility Outfall	Zinc	2.16	mg/L	0.09	24	0.09	24
Second storm sample								
2/8/2013	Facility Outfall	TOC	210	mg/L				
2/8/2013	Facility Outfall	COD	FAILED TO SAMPLE	mg/L	120			
2/8/2013	Facility Outfall	Specific Conductance	756	umhos/cm				

*Source 2015 EPA Multi-Sector General Permit

2/8/2013	Facility Outfall	pH	6.55	s.u.				
2/8/2013	Facility Outfall	TSS	79	mg/L	100	0.79		
2/8/2013	Facility Outfall	Aluminum	1.48	mg/L	0.75	1.973333333		
2/8/2013	Facility Outfall	Copper	1.49	mg/L	0.0048	310.4166667	0.0048	310.4166667
2/8/2013	Facility Outfall	Iron	3.87	mg/L	1	3.87		
2/8/2013	Facility Outfall	Lead	0.108	mg/L	0.21	0.514285714	0.21	0.514285714
2/8/2013	Facility Outfall	Zinc	1.59	mg/L	0.09	17.66666667	0.09	17.66666667
2013-2014 Report Data								
First Storm Sample								
10/28/2013	Facility Outfall	TOC	280	mg/L				
10/28/2013	Facility Outfall	COD	FAILED TO SAMPLE	mg/L	120			
10/28/2013	Facility Outfall	Specific Conductance	693	umhos/cm				
10/28/2013	Facility Outfall	O&G	38	mg/L	15	2.533333333		
10/28/2013	Facility Outfall	pH	6.3	s.u.				
10/28/2013	Facility Outfall	TSS	277	mg/L	100	2.77		
10/28/2013	Facility Outfall	Aluminum	6.35	mg/L	0.75	8.466666667		
10/28/2013	Facility Outfall	Copper	3.48	mg/L	0.0048	725	0.0048	725
10/28/2013	Facility Outfall	Iron	18.6	mg/L	1	18.6		
10/28/2013	Facility Outfall	Lead	0.34	mg/L	0.21	1.619047619	0.21	1.619047619
10/28/2013	Facility Outfall	Zinc	8.04	mg/L	0.09	89.33333333	0.09	89.33333333
2014-2015 Report Data								
First Storm Sample								
12/12/2014	Facility Outfall	TOC	27	mg/L				
12/12/2014	Facility Outfall	COD	263	mg/L	120	[redacted]		
12/12/2014	Facility Outfall	Specific Conductance	83.1	umhos/cm				
12/12/2014	Facility Outfall	O&G	No Sample	mg/L	15			
12/12/2014	Facility Outfall	pH	7.12	s.u.				
12/12/2014	Facility Outfall	TSS	94	mg/L	100	0.94		
12/12/2014	Facility Outfall	Aluminum	13.9	mg/L	0.75	18.53333333		
12/12/2014	Facility Outfall	Copper	11.6	mg/L	0.0048	2416.666667	0.0048	2416.666667
12/12/2014	Facility Outfall	Iron	27	mg/L	1	27		
12/12/2014	Facility Outfall	Lead	FAILED TO SAMPLE	mg/L	0.21	FAILED TO SAMPLE	0.21	FAILED TO SAMPLE
12/12/2014	Facility Outfall	Zinc	2.51	mg/L	0.09	27.88888889	0.09	27.88888889
2015-2016 Data								
First Storm Sample								
9/15/2015	Not Specified	TOC	FAILED TO SAMPLE	mg/L				
9/15/2015	Not Specified	COD	390	mg/L	120	3.25		
9/15/2015	Not Specified	Specific Conductance	259	umhos/cm				
9/15/2015	Not Specified	O&G	7	mg/L	15			
9/15/2015	Not Specified	pH	7.02	s.u.				
9/15/2015	Not Specified	TSS	88	mg/L	100			
9/15/2015	Not Specified	Aluminum	2.05	mg/L	0.75	2.733333333		
9/15/2015	Not Specified	Copper	1.3	mg/L	0.0048	270.8333333	0.0048	270.8333333
9/15/2015	Not Specified	Iron	4.06	mg/L	1	4.06		
9/15/2015	Not Specified	Lead	0.08	mg/L	0.21		0.21	

9/15/2015	Not Specified	Zinc	3.62	mg/L	0.09	40.22222222	0.09	40.22222222
9/15/2015	Not Specified	Nickel	0.08	mg/L	0.074	1.081081081	0.074	1.081081081

EXHIBIT B

STATION	STATION_NAME	DATE	PRCP (tens of mm)	PRCP (mm)	PRCP (in)
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/18/2010	269	26.9	1.059053
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/19/2010	135	13.5	0.531495
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/20/2010	163	16.3	0.641731
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/21/2010	188	18.8	0.740156
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/22/2010	56	5.6	0.220472
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/05/2010	30	3	0.11811
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/06/2010	140	14	0.55118
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/09/2010	84	8.4	0.330708
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/20/2010	86	8.6	0.338582
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/27/2010	185	18.5	0.728345
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/06/2010	66	6.6	0.259842
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/07/2010	107	10.7	0.421259
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/01/2010	142	14.2	0.559054
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/05/2010	28	2.8	0.110236
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/12/2010	173	17.3	0.681101
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/21/2010	69	6.9	0.271653
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/06/2010	188	18.8	0.740156
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/19/2010	231	23.1	0.909447
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/25/2010	38	3.8	0.149606
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/30/2010	38	3.8	0.149606
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/20/2010	135	13.5	0.531495
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/21/2010	48	4.8	0.188976
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/19/2010	33	3.3	0.129921
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/20/2010	79	7.9	0.311023
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/21/2010	511	51.1	2.011807
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/22/2010	465	46.5	1.830705
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/25/2010	30	3	0.11811
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/29/2010	117	11.7	0.460629
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/02/2011	61	6.1	0.240157
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/16/2011	71	7.1	0.279527
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/18/2011	142	14.2	0.559054
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/19/2011	89	8.9	0.350393
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/26/2011	208	20.8	0.818896

GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/20/2011	201	20.1	0.791337
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/21/2011	33	3.3	0.129921
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/23/2011	86	8.6	0.338582
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/09/2011	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	05/18/2011	48	4.8	0.188976
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/05/2011	107	10.7	0.421259
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/04/2011	150	15	0.59055
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/12/2011	356	35.6	1.401572
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/20/2011	234	23.4	0.921258
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/12/2011	130	13	0.51181
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/13/2011	74	7.4	0.291338
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/23/2012	69	6.9	0.271653
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/07/2012	74	7.4	0.291338
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/14/2012	56	5.6	0.220472
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/15/2012	66	6.6	0.259842
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/27/2012	94	9.4	0.370078
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/17/2012	89	8.9	0.350393
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/18/2012	33	3.3	0.129921
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/19/2012	33	3.3	0.129921
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/25/2012	71	7.1	0.279527
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/11/2012	30	3	0.11811
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/13/2012	71	7.1	0.279527
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/25/2012	91	9.1	0.358267
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/12/2012	114	11.4	0.448818
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/21/2012	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/08/2012	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/13/2012	396	39.6	1.559052
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/15/2012	30	3	0.11811
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/24/2012	30	3	0.11811
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/06/2013	41	4.1	0.161417
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/25/2013	216	21.6	0.850392
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/26/2013	38	3.8	0.149606
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/08/2013	69	6.9	0.271653
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/19/2013	66	6.6	0.259842

GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/07/2013	46	4.6	0.181102
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/08/2013	264	26.4	1.039368
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	05/06/2013	46	4.6	0.181102
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/29/2013	41	4.1	0.161417
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/21/2013	246	24.6	0.968502
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/22/2013	124	12.4	0.488188
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/19/2013	86	8.6	0.338582
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/06/2014	51	5.1	0.200787
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/27/2014	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/28/2014	130	13	0.51181
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/01/2014	257	25.7	1.011809
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/02/2014	61	6.1	0.240157
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/02/2014	56	5.6	0.220472
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	04/26/2014	41	4.1	0.161417
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/01/2014	64	6.4	0.251968
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/02/2014	107	10.7	0.421259
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/03/2014	69	6.9	0.271653
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/04/2014	467	46.7	1.838579
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/12/2014	267	26.7	1.051179
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/16/2014	109	10.9	0.429133
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/17/2014	104	10.4	0.409448
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/11/2015	51	5.1	0.200787
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	01/12/2015	43	4.3	0.169291
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	02/22/2015	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/01/2015	173	17.3	0.681101
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	03/02/2015	64	6.4	0.251968
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	05/08/2015	117	11.7	0.460629
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	05/14/2015	414	41.4	1.629918
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	05/15/2015	53	5.3	0.208661
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	07/18/2015	262	26.2	1.031494
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	07/19/2015	168	16.8	0.661416
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	9/15/2015	307	30.7	1.208662
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/4/2015	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	10/5/2015	69	6.9	0.271654

GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/3/2015	277	27.7	1.090552
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	11/27/2015	46	4.6	0.181102
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/11/2015	48	4.8	0.188976
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/13/2015	41	4.1	0.161417
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/19/2015	28	2.8	0.110236
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/22/2015	43	4.3	0.169291
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	12/28/2015	48	4.8	0.188976
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	1/4/2016	36	3.6	0.141732
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	1/5/2016	419	41.9	1.649607
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	1/6/2016	155	15.5	0.610237
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	1/7/2016	142	14.2	0.559055
GHCND:USW00023188	SAN DIEGO LINDBERGH FIELD CA US	1/31/2016	36	3.6	0.141732